

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE, et al.

No. C 10-457 MMC

Plaintiffs,

**ORDER AFFORDING PLAINTIFFS
OPPORTUNITY TO SUPPLEMENT
APPLICATION FOR DEFAULT
JUDGMENT**

v.

FOSTER & SONS GENERAL
ENGINEERING CONTRACTORS, INC.,

Defendant.

Before the Court is plaintiffs' Amended Motion for Default Judgment, filed July 9, 2010. In support thereof, plaintiffs submit the Amended Declaration of David E. Hayner ("Hayner"), Collections Manager, wherein Hayner calculates plaintiffs' damages based on, inter alia, "revised Collection Procedures." (See Hayner Decl. at 3.) Hayner, however, attaches no documentation reflecting such collection procedures, nor does the declaration state that defendant is a signatory to any agreement containing or adopting such revisions.


Accordingly, plaintiffs are hereby directed either (1) to file, no later than 4:00 p.m. on August 26, 2010, a supplemental declaration curing, if plaintiffs can do so, the above-noted deficiencies;¹ or (2) to appear at the hearing scheduled for August 27, 2010, at which time counsel shall be prepared to submit whatever additional declaration(s) and/or

¹If plaintiffs elect this first option, the matter will be deemed submitted on the moving papers and no hearing will be held.

1 documentation necessary to support plaintiffs' damages claim.

2 **IT IS SO ORDERED.**

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4 Dated: August 24, 2010

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6 MAXINE M. CHESNEY
7 United States District Judge
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